

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ling, Vincent, *et al.*

Application No: 10/824,481

Filed: April 15, 2004

For: *Use of B7-H3 to Inhibit Lymphocyte  
Proliferation (as amended)*

Examiner: Ouspenski, Ilia I.

Art Unit: 1644

Attorney Docket No.: **WYS-005.01**

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED  
PRIORITY CLAIM UNDER 37 C.F.R. § 1.78(a)(6)**

Under 35 U.S.C. 119, and pursuant to 37 C.F.R. § 1.78(a)(6), Applicants respectfully petition the Commissioner to accept the following unintentionally delayed priority claim.

The instant application claims priority to U.S. Provisional Patent application Serial No. 60/463,342, filed April 17, 2003. However, the original priority claim in the instant application unintentionally omitted the priority claim to the aforementioned provisional application. On April 18, 2004, Applicants submitted a Preliminary Amendment correcting the priority claim to U.S. Provisional Patent Application Serial No. 60/463,342. However, Applicants' Preliminary Amendment unintentionally missed the sixteen month deadline from the filing date of the prior-filed provisional application by one day.

The priority claim deadline under 37 C.F.R. § 1.78(a)(5)(ii) was August 17, 2004. Applicants hereby state that the entire delay between August 17, 2004 and the date of filing of the instant petition was unintentional.

As required under 37 C.F.R. § 1.78(a)(6), submitted herewith are the following:

1. An application data sheet adding the priority claim to the prior-filed application as required by 37 C.F.R. § 1.78(a)(5)(iii);
2. The surcharge as set forth in 37 C.F.R. § 1.17(t); and
3. A statement that the entire delay between the date the priority claim was due under paragraph 37 C.F.R. § 1.78(a)(5)(ii) and the date the claim was filed was unintentional (see above).

The Commissioner is hereby authorized to charge the fee set forth in 37 C.F.R. § 1.17(t) and/or charge any additional required fees or to credit any overpayments to **Deposit Account No. 06-1448, Reference No. WYS-005.01.**

Respectfully submitted,

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